

International Bureau. A copy is forwarded by the International Bureau to the U.S. Patent and Trademark Office and placed in the file. The notification of acceptance of the present application under 35 U.S.C. § 371 indicates that the priority document was received in the United States Patent and Trademark Office. Thus, an additional certified copy is not necessary.

In the Official Action, Claims 6-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Henderson, et al.*, U.S. Patent No. 5,551,218 ("Henderson"). The Official Action states that it would have been obvious to use wire in the invention of *Henderson* and that twine and wire are equivalent.

Claim 6 is directed to an apparatus for binding wire around an object. Claim 6 requires a feed member including a feed wheel for feeding the wire and separate measuring means for measuring the length of the wire. Claim 6 expressly requires that the measuring means does not feed the wire. *Henderson* does not teach or disclose the invention of Claim 6.

Henderson discloses a bale-wrapping machine in which a twine arm 236 rotates to wrap a bale. The twine is pulled by the twine arm 236 as the arm rotates, dispensing twine. Column 13, lines 37-42 and Column 14, lines 38-43. A twine velocity sensor 150 is shown in Figs. 7 and 8. The sensor 150 detects the velocity at which the twine is being dispensed. The sensor is placed in the normal path of the twine.

The sensor 150 comprises a pulley 160 rotatably mounted in the apparatus. Two C-shaped clamps are mounted above the pulley 160. The clamps include a downwardly facing clamp 168 and an upwardly facing clamp 174. A bolt 176 extends through the clamp members 168 and 174 and a nut 182 on the end of the bolt 176 engages a spring 178. The twine 154 is looped over the lower clamp member 168, wrapped around the pulley 160 and again over clamp member 168. (See Fig. 7). The twine travels through the sensor 150 on its way to the twine arm 236 for wrapping bales. The pulley 160 includes a

magnet 192 which passes over a switch 68 as the twine rotates the pulley 160. The switch 68 provides a signal to indicate the velocity of twine being dispensed. A microprocessor 54 determines the amount of twine dispensed for each revolution of the pulley 160. Column 11, lines 10-65.

Claim 6 requires a feed member including a feed wheel. *Henderson* does not teach or disclose a feed wheel. By contrast, *Henderson* discloses a twine arm 236 which rotates to dispense twine and wrap a bale with the twine. The twine is pulled by the twine arm disclosed by *Henderson*. As the twine is pulled, the twine travels through the sensor 150. By contrast, the feed wheel required by Claim 6 feeds wire to the measuring means and to the object to be wrapped. (See Fig. 1 of the present application).

The wire and twine are not equivalent, which is born out by the different techniques utilized by *Henderson* and the feed wheel of Claim 6 for dispensing the twine or wire. The twine disclosed by *Henderson* could not be fed by the feed member of the present invention and the wire utilized in the present invention could not be fed through the sensor and twine arm of *Henderson*.

If twine were utilized in the present invention, the twine could not be fed by the feed wheel. The feed wheel 11 pushes the wire to the measuring device 5. The twine does not offer any resistance to the measuring device and thusly would not be received between the runner 6 and dolly roll 15. (See page 3, lines 11-13 and page 4, lines 1-3 and Figs. 1 and 2.)

The wire required by Claim 6 could also not be used in the machine disclosed by *Henderson*. The wire, while offering the resistance required to be fed by the feed wheel, is too stiff to be bent around the pulley 160 and through the space between the two C-clamps. Thus, the wire would be damaged when pulled by the twine arm 236 through the clamp members 168 and 174.

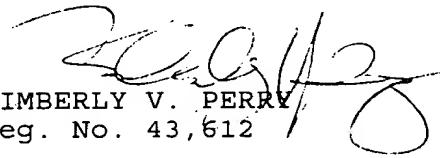
Claims 7-10 depend directly or indirectly upon Claim 6. Thus, Claims 6-10 are patentable over Henderson and otherwise allowable for the reasons discussed above.

Accordingly, Applicant hereby requests reconsideration of the pending claims and the issuance of a Notice of Allowance for the pending claims.

If this response raises any issues, the Examiner is encouraged to contact Applicant's attorney at the telephone number below. If any fee is due in connection with this response, the Examiner is authorized to charge our Deposit Account No. 12-1095 therefor.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP


KIMBERLY V. PERRY
Reg. No. 43,612

600 South Avenue West
Westfield, New Jersey 07090
Telephone: (908) 654-5000
Facsimile: (908) 654-7866

337150_1.DOC